

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Implementation of Section 621(a)(1) of the Cable  
Communications Policy Act of 1984 as Amended  
By the Cable Television Consumer Protection and  
Competition Act of 1992

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MB Docket No. 05-311

**Comments of Western Valley Access Channel**

Western Valley Access Channel ("WVAC") appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking ("FNPRM") in the above-referenced docket. Our station is located in Mexico, Maine on channel 1301 and serves seven area communities with over 3000 cable subscribers. Our programming includes, but is not limited to, local government meetings, area community events, school activities and sports. We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees.

Our budget is funded primarily (over 95%) by franchise fees. The use of fair market value to determine the amount to be considered a franchise fee will lead to arbitrary deductions in our operations. Over half of our subscribers are elderly. Our programming provides them with access to local government meetings, church services and community events they are unable to attend. We are the only means for them to have access to this programming.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority or a third-party provider, rather than for the public or cable consumer. As demonstrated above, WVAC provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,



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November 8, 2018